

DEPARTMENT OF THE ARMY

HQ 612th Engineer Battalion

CAMP [REDACTED], IRAQ

APO AE 09344

AFVK-OHEG-XO

16 Nov 05

MEMORANDUM FOR Commander, 36th Engineer Group, Camp [REDACTED], Iraq, APO AE [REDACTED]

SUBJECT: AR 15-6 Investigation Findings and Recommendations

1. FINDINGS: After investigating the incident, from 10 November 2005, from A Co 612th En Bn of accidental fire against civilians it is my belief, based on a preponderance of the evidence, that SPC [REDACTED] from 1st Platoon did commit the act of accidental fire with his M2. The land owning unit, [REDACTED], maintained oversight of the vehicle with the remains until the IP ambulance arrived.
2. RECOMMENDATIONS: I recommend that the attached (exhibit S) modification to TTP's with all M2's be implemented within the Group to prevent further incidents of this nature. This modification is a M2 round placed below the butterfly's to prevent this accidental fire. Also, the land owner needs to maintain positive control over civilian remains until the appropriate personnel arrive to take custody.
3. BACKGROUND: On 10 November 2005, 1st Platoon Co A was in the process of conducting normal route clearance operations east bound on Route [REDACTED]. A suspicious object was noticed and the team stopped to interrogate. Part of the TTP's that the team uses is to stop traffic moving both directions when the [REDACTED] is near the median, which in this case it was. The gunner, SPC [REDACTED] had already picked up his stop sign in his left hand and his M16 in his right, which is his normal procedure. The lead RG-31 was moving into position to affect the stoppage of traffic, and had actually stopped most traffic, except for one white civilian pick up truck. As the RG-31 moved into the median, the driver stopped the RG-31 and SPC [REDACTED] lost his balance in the turret. In the act of catching himself, he hit the butterfly of the M2. The weapon fired one round, which ended up striking the civilian pick up truck and wounding the driver and passenger, the passenger, [REDACTED], subsequently died of his wounds and was taken to the [REDACTED] Police Station, then the morgue.
 - a. In exhibit A, B, D, and E SSG [REDACTED], SPC [REDACTED], SGT [REDACTED], and SPC [REDACTED] all the persons in the vehicle, stated that they heard SPC [REDACTED] yelling at the vehicle to stop and SPC [REDACTED] noted that SPC [REDACTED]'s feet were positioned in such a way that he was facing the vehicle.
 - b. In Exhibit B, SPC [REDACTED] indicated that he did enter the median and stop in the effort to allow his gunner to stop traffic..

c. In Exhibit F, SGT [REDACTED] (the TC in the vehicle behind them) states that he saw SPC [REDACTED] with the stop sign and M16 in his hands and as the RG-31 stopped, he 'fell' into the M2, which fired one round.

d. In Exhibit L, SGT [REDACTED] (the medic assigned to the platoon) describes what medical actions she took to provide aid to the wounded civilians. It appears that she and her CLS assistant performed all needed and necessary medical actions to stabilize and provide life saving measures at her disposal.

e. In Exhibit O, 2LT [REDACTED] (Platoon Leader) contacted [REDACTED] and notified them that he needed an ambulance for a wounded civilian. [REDACTED] told him that they were dispatching one to his location. Subsequent to this he received an update on the wounds of the civilians and called in a [REDACTED] Medevac to [REDACTED]. Before the MEDEVAC arrived the second civilian died from his wounds. After the medevac had departed with the one wounded civilian, 2LT [REDACTED] again contacted [REDACTED] and asked for guidance and dispositions instructions for the DOW civilian. He was again told that the ambulance was on the way. Approximately 30 minutes later, he again called [REDACTED] for guidance since the ambulance had not arrived. [REDACTED] told them to continue mission. 2LT [REDACTED] offered to stay on the scene but was told to continue mission. [REDACTED], who had arrived earlier to assist with the cordon, also called [REDACTED] and offered to stay on scene until the ambulance arrived. However, [REDACTED] directed them to continue mission as well.

f. 1LT [REDACTED] from [REDACTED] provided his input as to his decision to direct SHIC to CM in Exhibit P. He stated that he knew the IP ambulance was on the way, and he directed that [REDACTED] would remain in an over watch position to ensure that the remains were in fact recovered, which they were about 30 minutes later.

g. Normal mission briefings were conducted prior to departure from the FOB, and all escalation of force and actions on contact were covered.

h. All turret gunners were directed to go 'Red' after passing out of all ECP's and to remain 'Red' for the duration of the mission, this is in accordance with all our combat patrols TIP's.

i. There were no mechanical faults, nor any suspected, with the M2 in question.

j. SPC [REDACTED] was not formally counseled after this incident by his chain of command.

4. ISSUES and ANALYSIS: Did SPC [REDACTED] have a negligent discharge of his crew served weapon that resulted in the death of one civilian and wounding another. There are two facets of this to address:

- 1) Did SPC [REDACTED] weapon discharge cause the injury and death.
- 2) Was it an act of negligence: NEGLIGENT implies inattention to one's duty or business

Based on the testimony and evidence gathered, I believe that SPC [REDACTED] did discharge his weapon in a manner that caused the injury and death. However I do not believe that this fulfills that definition of 'negligent'. SPC [REDACTED] was not inattentive in his business nor his duty. He was following normal procedures to control traffic that have been used by all gunners in combat patrols. This was an accidental discharge. With no formal safeties on the M2, and not having knowledge of the added safety option found in Exhibit P, there was no reasonable expectation that SPC [REDACTED], or anyone else could have prevented this from occurring.

5. POC is the undersigned at [REDACTED]

[REDACTED]
MAJ, EN
Investigating Officer

20 Encls

1. Exhibit A [REDACTED] Sworn Statement)
2. Exhibit B [REDACTED] Sworn Statement)
3. Exhibit C [REDACTED] Sworn Statement)
4. Exhibit D [REDACTED] Sworn Statement)
5. Exhibit E [REDACTED] Sworn Statement)
6. Exhibit F [REDACTED] Sworn Statement)
7. Exhibit G [REDACTED] Sworn Statement)
8. Exhibit H [REDACTED] Sworn Statement)
9. Exhibit I [REDACTED] Sworn Statement)
10. Exhibit J [REDACTED] Sworn Statement)
11. Exhibit K [REDACTED] Sworn Statement)
12. Exhibit L [REDACTED] Sworn Statement)
13. Exhibit M [REDACTED] Sworn Statement)
14. Exhibit N [REDACTED] Sworn Statement)
15. Exhibit O [REDACTED] Sworn Statement)
16. Exhibit P [REDACTED] Sworn Statement)
17. Exhibit Q (612th CIR Report)
18. Exhibit R [REDACTED]
19. Exhibit S Recommended Modification to TTP's for M2's
20. Exhibit T Appointment Memorandum



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 36TH ENGINEER COMBAT GROUP
3RD INFANTRY DIVISION, CAMP [REDACTED], BAGHDAD, IRAQ
APO AE 09344

AFVK-CO

17 November 2005

MEMORANDUM FOR Commander, Multi-National Division—Baghdad, Iraq APO AE [REDACTED]

SUBJECT: AR 15-6 Investigation-10 November 2005 Shooting Fatality of a Local National by
A Company, 612th Engineer Battalion (Heavy)

1. I have reviewed the attached investigation and its enclosures and concur with the findings and recommendations of the investigating officer.
2. I recommend its final approval.
3. POC is the undersigned at [REDACTED]

[REDACTED]
COL, EN
Commanding

STATEMENT OF [REDACTED]

TAKEN AT [REDACTED]

DATE

10 NOV 05

STATEMENT (Continued)

The MEDIC (SGT [REDACTED])... My Vehicle then stayed in place to provide security. The PL (2LT [REDACTED]) then called me on the RADIO to find out the situation. As the MEDIC and SFC [REDACTED] had started medical aid, I started to calm SFC [REDACTED] down. He had told me that when we stopped the truck he shifted forward and his mile magazine had set the SOAL OFF by hitting the Butterfly on it. Some time had passed, the MEDIC had landed and took the casualty. At this time I had found out that there had been two casualties and one had passed away during the time of the accident and when the chopper had gotten there. Another unit had pulled up secured the LN's pickup truck and moved it about 150 meters NE of the original site. time went by and we waited to see what the BCT wanted us to do with the PARISHED LN. [REDACTED] (SFC [REDACTED]) secured the LN and moved to the location of the pickup truck where the other unit had put it. SFC [REDACTED] then instructed some of our PLT's soldiers to put the LN who had PARISHED into the back of the pickup truck. The PLT. then got back into convoy operation sequence and continued mission.

CLS OF PERSON MAKING STATEMENT [REDACTED]

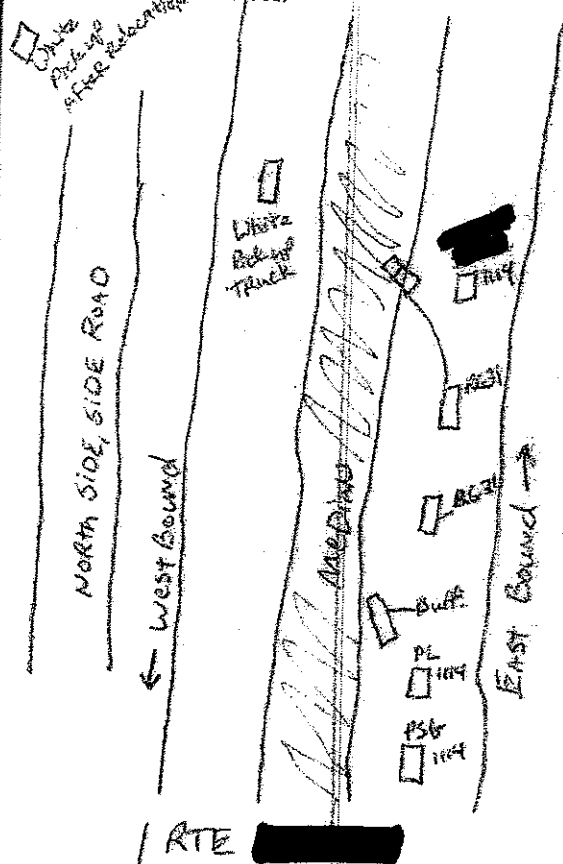
STATEMENT OF [REDACTED]

TAKEN AT Camp [REDACTED]Java

DATED

10 NOV 05

9. STATEMENT (Continued)



AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

[REDACTED]

[REDACTED]

[REDACTED]
ORGANIZATION OR ADDRESS[REDACTED]
[REDACTED]
[REDACTED]
ORGANIZATION OR ADDRESS

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED] Java

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ARMY OFFICER

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

Sample Privacy Act Statement

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to:
Incident that resulted in LN being shot and killed

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities or negligence, and to assist in making recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION:

The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under the UCMI, or in the case of civilian employees, appropriate action under applicable employment regulations.

I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above-cited incident.

[REDACTED] 16 NOV 95
Signature and Date

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp [REDACTED] TRAO
 2. DATE (YYYYMMDD): 2005 11 10
 3. TIME: 1530
 4. FILE NUMBER:
 5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
 6. SSN: [REDACTED]
 7. GRADE/STATUS: E-4 SPC
 8. ORGANIZATION OR ADDRESS: 612TH Eng Bn APO AE 09344
 9. [REDACTED]

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

As our Iron Claw team was traveling ^{east} on route [REDACTED] our [REDACTED] stopped to make an interogation on the left side of the road. The lead RG 31 which I was driving needed to stop the traffic in the west bound lane so the [REDACTED] could make this interogation. I pulled the vehicle half way into the meddian so my gunner could stop the traffic, as the traffic slowly stopped there was one small pickup truck that stopped alot closer to us than all of the others, my gunner was getting at the driver to back up then I heard the shot from the .50 cal and shortly after he said that it was an accident because he bumped it with the magazine from his M16. I could not tell where the shot went but I could see smoke inside the pickup, the driver was waving his arms then got out of the vehicle and ~~lay~~ lied on the ground, at that time is when I saw he was injured and my gunner also yelled it out. After we saw that he was injured badly my TC called for the medec and then we crossed into the west bound lane to help the injured man.

10. EXHIBIT: B
 11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
 PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING: "STATEMENT" _____ TAKEN AT _____ DATED _____
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF [REDACTED]

TAKEN AT

Camp [REDACTED]

DATED 10 NOV 05

9. STATEMENT (Continued)

Two people dismounted from my vehicle and at that time our vehicle with our medic had arrived by the pickup and they began on treating the injured man, they also pulled a second man out of the vehicle and began their treatment on him. A short while after they began to treat the man a chopper arrived but at that time one of the men had already died, they loaded the man that was still alive into the chopper and then began to gather up all of our equipment. After another unit arrived to move the pickup we put the dead body with the pickup and ~~continued~~ continued our missions.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED]

TAKEN AT Camp [REDACTED]DATED 10 Nov 05

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED] Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

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PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to:

Incident that resulted in LAF being shot and killed.

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities or negligence, and to assist in making recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION:

The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under the UCMJ, or in the case of civilian employees, appropriate action under applicable employment regulations.

I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above-cited incident.

[REDACTED] 10 Nov 95
Signature and Date

SWORN STATEMENT

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 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp [REDACTED] Iraq	2. DATE (YYYYMMDD) 2005-11-10	3. TIME 1610	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4 Gunner	
8. ORGANIZATION OR ADDRESS A Co 612 Eng BN, APO AF [REDACTED]			
9. [REDACTED]			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 While traveling east on route [REDACTED] in an [REDACTED] patrol we stopped to interrogate an object in the median. I was the gunner in the lead RA31 Guntrucks. I knew we would be stopping traffic in the west bound lane so I locked my turret to the left and locked my M-2 in the up position. We then got the call to stop traffic in the west bound lane. As my vehicle started to move towards the median I raised my stop sign in my left hand ~~and~~ my M-16 in my right as I always do. All traffic was stopped over 100 meters back except for one small truck. I waved my stop sign and yelled for the truck to stop. The truck began to slow down and was coming to a stop as we entered the median. As we entered the median the muzzle of my M-2 came down from its up position due to the bumps. As we came to a stop in the median I fell forward. As I tried to catch myself my M-16 struck the rear of my ~~M-2~~ M-2 causing it (The M-2) to fire one round. Once I regained my footing and stood up I saw that the round had hit the side of the L.N. vehicle. The driver of the truck then opened

10. EXHIBIT C	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF [REDACTED]

TAKEN AT

Camp [REDACTED]

DATED

2005-11-10

9. STATEMENT (Continued)

the door and I could ^{see} that he had been struck by the round. I then yelled to my tc. SSG. [REDACTED] that he was hit and that we needed the medic. At that time we moved our vehicle into the west bound lane next to the L.N. truck. I then yelled at the guys in my truck to "Get out there". At that time SSG. [REDACTED] and SFC [REDACTED] dismounted from our vehicle to help the L.N. until the medic arrived. Once the medic arrived moments later, my vehicle pulled forward to cordon off the site. I then explained to my T.C. SSG [REDACTED] that I had fell into my M-2 and did not intend to fire it. He told me it would be ok and tried to calm me down. Once I heard over the radio that one of the L.Ns had died I asked to be removed from the turret for the rest ~~of~~ of our mission. SSG. [REDACTED] was then sent over from the [REDACTED] vehicle to take my spot ~~in~~ the turret.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF

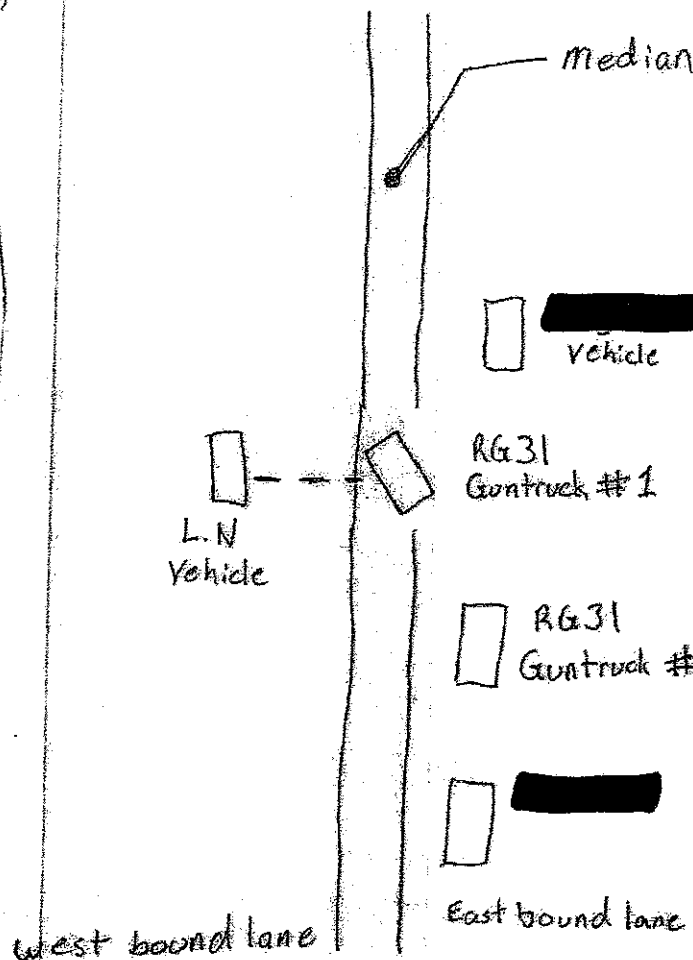
TAKEN AT

Camp

DATED

2005-11-10

9. STATEMENT (Continued)



AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

[REDACTED]

A Co 612 En Bn

Camp [REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]

A Co 612 En Bn

Camp [REDACTED]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED]

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ARMY OFFICER

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3

OF 3

PAGES

Sample Privacy Act Statement

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PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to:
Incident that resulted in a LN being shot and killed

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities or negligence, and to assist in making recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION:

The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under the UCMI, or in the case of civilian employees, appropriate action under applicable employment regulations.

I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above-cited incident.

[REDACTED]
Signature and Date

2007-11-10

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp [REDACTED], IRAQ	2. DATE (YYYYMMDD) 20051110	3. TIME 15:26	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS A Co 618th EN BN			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 At approximately noon on Nov. 10 2005, I was observing on the left side of the lead RG 31 (the second vehicle in the convoy). We were traveling east on RTE [REDACTED] and stopped in order for the [REDACTED] to conduct an interrogation on the left-hand side of the roadway. Our vehicle was approximately 500m from RTE [REDACTED]. I was conducting my 5:25 sweep and looking back to see how far in front of the [REDACTED] we were. While I was in the middle of this I heard a single round fired, and ^{determined with yelling before and after the shot from spec} looked straight out the left-hand side of the vehicle to see a truck with two occupants come to a stop on even with our vehicle on the other side of the road. The driver then raised his hands and shortly after fell out of the vehicle which was when we noticed ^{at that same time spec} yelled that the person was injured and needed immediate help. that the driver was injured. I grabbed my aid-bag and waited for my TC to allow me to dismount in order to assist. ~~one dismounted~~ with the other observer in my vehicle, we conducted a more thorough 5:25 around our vehicle and the civilian vehicle. By the time we completed the sweep the PSG/medic HMMV was on location to begin treating the wounded driver. The PSG and I then noticed that the passenger was unresponsive. In an attempt to to evaluate the passenger we tried to open his door, which was jammed. We then retrieved a jack handle from the trunk of the medic vehicle in order to break open the rear window of the civilian truck. Once I broke the window

10. EXHIBIT D	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.		

DA FORM 2823, DEC 1998

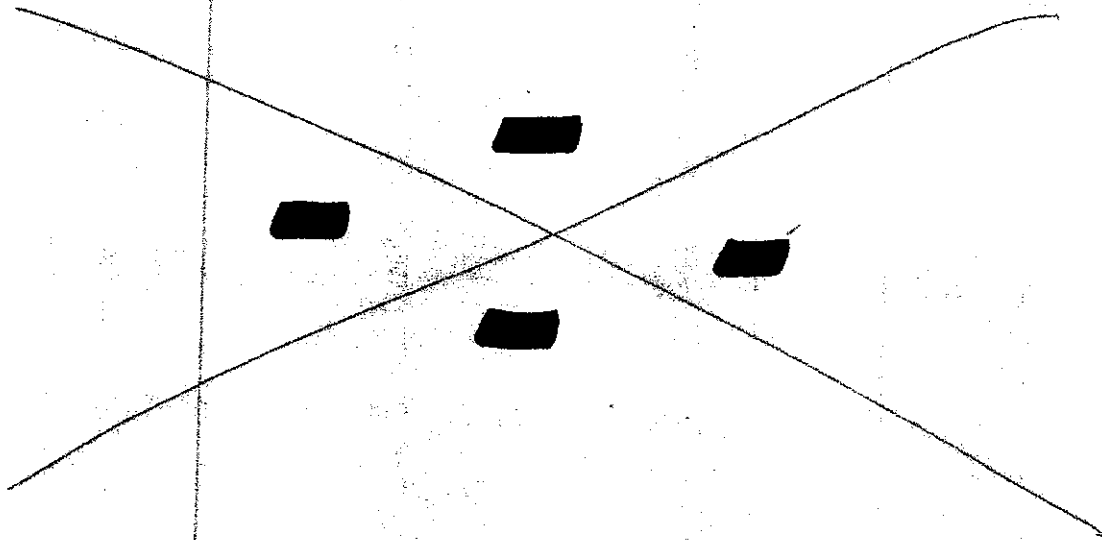
DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

STATEMENT OF [REDACTED] TAKEN AT 1530 DATED 2005 11 10

9. STATEMENT (Continued)

I was still unable to get the door open. With the other injured civilian just out the other side of the vehicle, we had to have the medic and litter team move him in order remove the passenger ^{through} ~~from~~ the drivers side. Once the passenger was removed we were able to see his wound and begin treatment. I was then directed to assist in pulling security around the [REDACTED] While conducting security I also assisted in setting up the L2 with the PL, after which I continued to pull security. The medic then arrived shortly after and picked up the civilian that was driving. The other passenger was left on scene. I was then directed ^{back to my vehicle} to find someone to replace the gunner in my vehicle. The PSG had me retrieve SGT [REDACTED] from the turret of the lead vehicle and replace him with SPC [REDACTED]. After taking SGT [REDACTED] to my vehicle, I then mounted as well. From then on, I observed from my vehicle until we broke the cordon and continued mission.



INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED]

TAKEN AT 1530

DATED 2005 11 10

9. STATEMENT (Continued)

This is what the position of our vehicle at the time of incident.

N
↑

Road

Civilian Truck
← Direction of Travel

median

Road

1st 20-31
(my vehicle)

→ Direction of Travel

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED]
612TH Eng Bn ACo
APO AE 09309
ORGANIZATION OR ADDRESS

[REDACTED]
Aco 612TH Eng Bn
APO AE 09309
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005, at Camp [REDACTED] Iraq.

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ARMY OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

Sample Privacy Act Statement

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AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to:
Incident that resulted in LN being shot and killed

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities or negligence, and to assist in making recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION:

The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under the UCMI, or in the case of civilian employees, appropriate action under applicable employment regulations.

I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above-cited incident.

[REDACTED] 2005 11 10
Signature and Date

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Camp Iraq DATED 2005/11/10

9. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED]

TAKEN AT Camp [REDACTED] IraqDATED Nov 10 2005

9. STATEMENT (Continued)

Local
rebel
Truck

West
bound

Median

☐ - vehicle 1

☒ - vehicle 2

☐ - vehicle 3

☐ - vehicle 4

☐ - vehicle 7

☐ - vehicle 5

East
bound

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED] Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ARMY OFFICER
(Authority To Administer Oaths)

A Co 612 EN BN
Camp [REDACTED] Iraq

[REDACTED]
[REDACTED]

A Co 612 EN BN
Camp [REDACTED] Iraq
ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

Sample Privacy Act Statement

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to:
Incident that resulted in LN being shot and
injured

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities or negligence, and to assist in making recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

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The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under the UCMI, or in the case of civilian employees, appropriate action under applicable employment regulations.

I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above-cited incident.

[REDACTED]
Signature and Date

10 Dec 2005

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
OTHER USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
CLOSURE: Disclosure of your social security number is voluntary.
LOCATION:

Eastbound Rte [REDACTED]
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]
ORGANIZATION OR ADDRESS A Co 1st BN [REDACTED]
2. DATE (YYYYMMDD) 2005 11 10
3. TIME 1740
4. FILE NUMBER
5. SSN [REDACTED]
6. GRADE/STATUS E-5/TC

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was the TC of the 2nd RG-31 (3rd in patrol). I was sitting up front next to the driver. We were traveling east on Rte [REDACTED] in between [REDACTED] and the [REDACTED] interchange. The [REDACTED] stopped us to interrogate something so I had my vehicle stop and began our 9/25 meter scans. After we cleared the area around my vehicle, I began scanning rooftops. I looked out the front windshield in time to see the first RG-31 stop partially in the median. SPC [REDACTED] the gunner, had his stop sign in his left hand and his M16 in his right hand. SPC [REDACTED] fell into his M2 machine gun and I saw a puff of smoke from the barrel. I wasn't sure if it hit the LN truck that was heading west on [REDACTED]. I saw the driver of the truck open his door and fall on the road. The 1st RG-31 called the medic up to treat the LN. So SFC Paynter's vehicle moved up to the LN truck. The 1st RG-31 moved into the westbound lane, next to the LN truck and dismounted 2 personnel. Once the medic was up there they found another wounded LN in the truck. My vehicle moved back to take up our security as the [REDACTED] moved up to assist the medic. The 4th vehicle, LT [REDACTED] moved up to the LN vehicle as well. About this time, we were informed that one of the LN's had a faint pulse and needed a bird. We had 2 M1A1's move to our location and take up rear security, so my gunner, SPC [REDACTED] oriented his weapon to the three o'clock position. A few minutes later, we were told that one of the LN had D.O.W. The helicopter landed in the west bound lane and the wounded LN was loaded onto the bird and it departed. Another unit came and moved the LN truck off of the road and secured it. Then the body was surrounded by our vehicles until vehicles 4 and vehicles 5 moved over to the truck.

EXHIBIT SP
11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____
 BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND PAGE NUMBER
 IT BE BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Camp [REDACTED] DATED 12 Nov 2005

STATEMENT (Continued)

We continued mission.

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

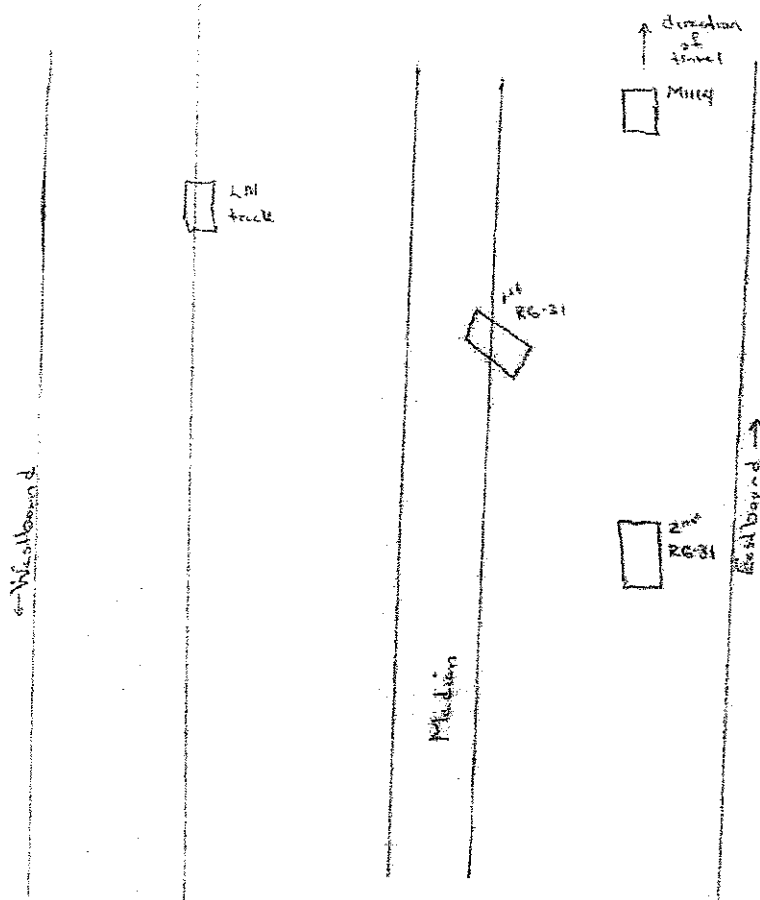
SIGNATURES OF PERSON MAKING STATEMENT

2. DA FORM 2823, DEC 1998

PAGE 2 OF 3 PAGES

USAPA V1.00

9. STATEMENT (Continued)



AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED] Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ARMY OFFICER
(Authority To Administer Oaths)

TALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

USAPA V.1.00

Sample Privacy Act Statement

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to:

Incident that resulted in LN being shot and killed

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities or negligence, and to assist in making recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

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The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under the UCMJ, or in the case of civilian employees, appropriate action under applicable employment regulations.

I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above-cited incident.

[REDACTED]
Signature and Date

10 Nov 2005

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp [REDACTED], Iraq	2. DATE (YYYYMMDD) 2005/11/10	3. TIME 1715	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS B5	
8. ORGANIZATION OR ADDRESS Aco 612th EN BN, [REDACTED] Iraq, APO AE [REDACTED]			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

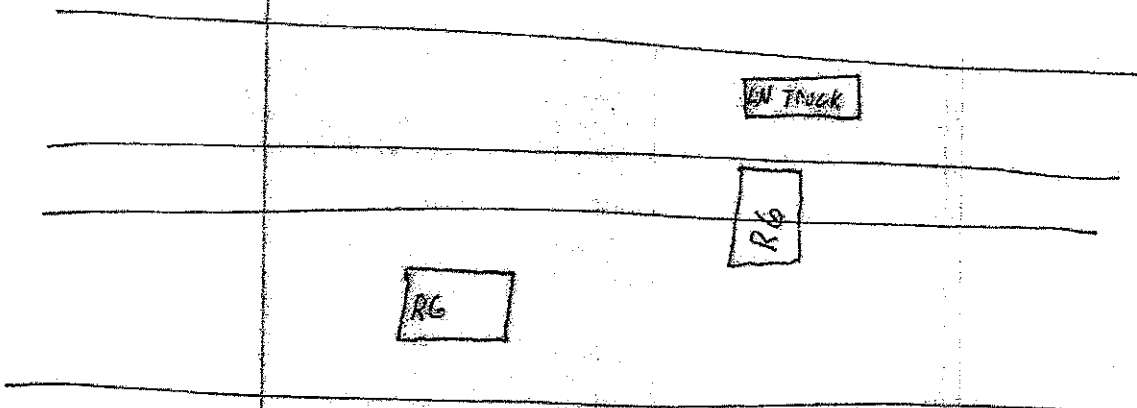
I was in the third vehicle of an iron claw convoy on November 10 2005. Our convoy was on a sweep of route [REDACTED] at 1036 heading east near [REDACTED] we stopped, then I heard a round fired. I looked out the front of the vehicle to see where the shot came from. I saw a man open up the door of his truck and fall out of it. At that time I then heard someone on the radio say that we needed to get medical personnel up to the truck because someone had been injured. The medic's vehicle came up to assist the injured immediately. I then heard someone call on the radio to LT [REDACTED] and told him that we needed a medevac bird. That same person reported the injuries as two urgent surgical. Shortly after that a person came on the radio and updated the status of the injured to one with a faint pulse and barely hanging on, and the other one with surgical urgent. Again, a short time later, someone came on the radio and updated the statuses of the casualties as one kia and one surgery urgent. The bird landed at 1100 to pick up the urgent surgical. We waited there for a while. We then switched lanes and kept a tight triangle formation with the buffalo and at least one other vehicle. A hmwv came and took the casualties vehicle to the access road and dropped it off there on the north side of route [REDACTED]. Again we waited for maybe 15-20 minutes at which time the litter team exited the [REDACTED] and loaded the casualty into the hood of a hmwv. They took the kia casualty to the truck and unloaded hi onto the bed of the truck he was riding in. we then continued mission.

Order of Vehicles during incident

N

W

E



10. EXHIBIT <i>6</i>	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <i>1</i> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Camp [REDACTED] DATED 2005/11/10

9. STATEMENT (Continued)

NOTHING'S FOLLOWING

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

NOTHING FOLLOWS

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED] Iraq

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

Army Officer

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943. (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp [redacted] Iraq	2. DATE (YYYYMMDD) 2005.11.10	3. TIME 1425	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted]	6. SSN [redacted]	7. GRADE/STATUS SPC Gunner	
8. ORGANIZATION OR ADDRESS A CO. 612th Eng. Bn.			

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I am the gunner in the #3rd vehicle in our patrol (R0-31). We were heading East Bound on Route [redacted] just past the [redacted] Overpass. The [redacted] called up that they were going to interrogate something. Our my vehicle came to a stop and started doing our S/25 scans. Vehicle 2 (R0-31) pulled up to the median to stop traffic traveling West on [redacted]. I saw [redacted] holding up this stop sign and that all vehicles were stopping. I saw a white truck heading West bound who was starting to stop, and was almost completely stopped. That is when I heard a single shot from the 50 cal. I asked my T.C. (Sgt [redacted]) if he knew who shot the 50 cal. Sgt [redacted] said he didn't know and thought it may have been an accident. I then saw the driver dismount his truck and lay on the ground. Then SSG [redacted] called on the Radio that the LV needed immediate medical attention. AT [redacted] (5th vehicle) told my vehicle to move back and take rear security. The 2 LV's received medical attention, then the bird flew in and took 1 LV. We continued to pull security till the LV's truck was towed and till we figured out what to do with the LV KIA. The LV truck was towed by another U.S. military unit.

unaware of what he was doing with his other hand

Vehicle 2 was then stopped completely

not on the median

10. EXHIBIT H	11. INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____

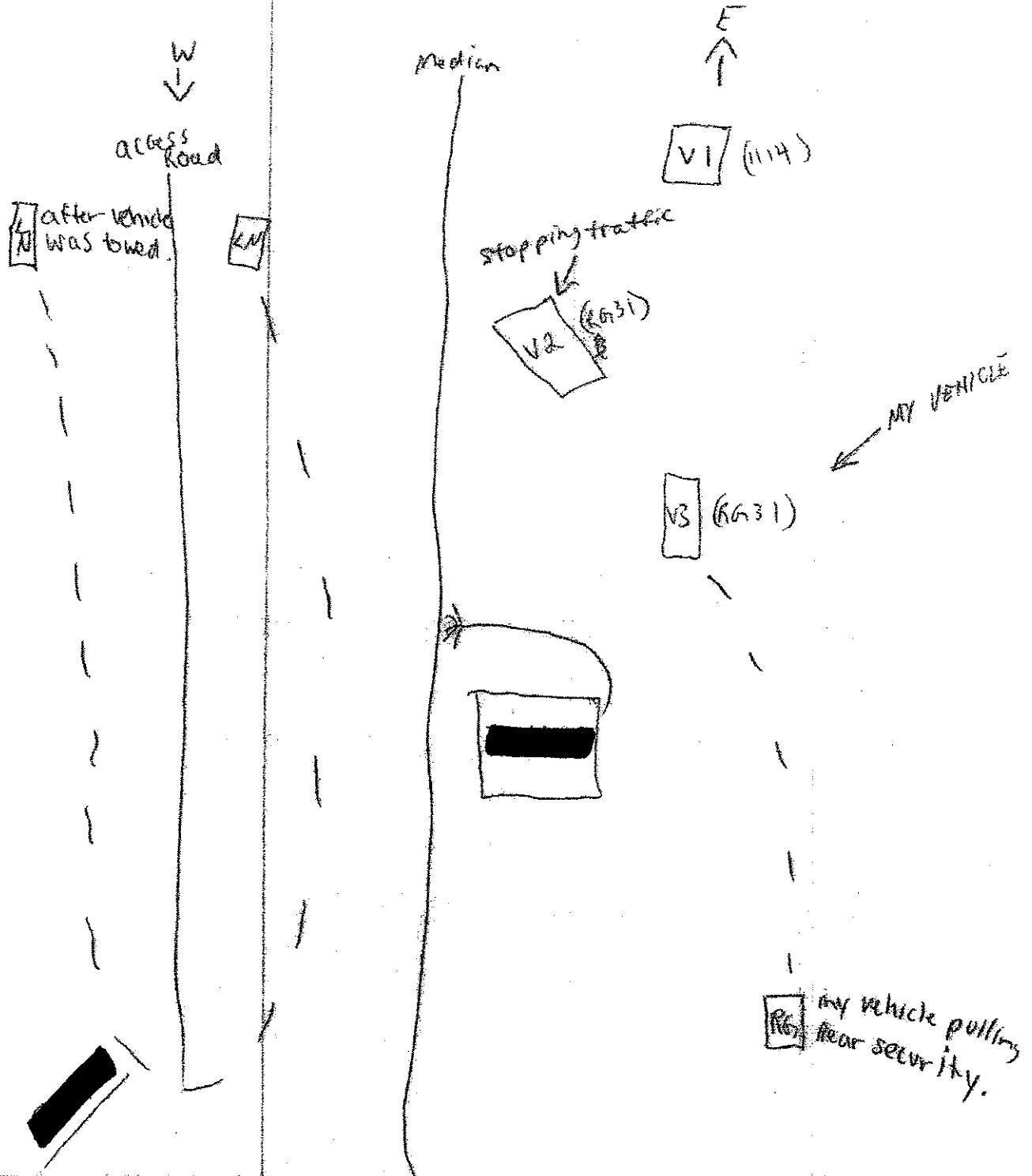
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF [REDACTED] TAKEN AT Camp [REDACTED], KG DATED 2005 11 10

9. STATEMENT (Continued)

Diagram

RT. [REDACTED]



INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

Camp

Iraq

DATED

2005 11 10

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED]
A Co 612th
Camp [REDACTED] Iraq

ORGANIZATION OR ADDRESS

[REDACTED]
A Co 612th
Camp [REDACTED] Iraq

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED] Iraq

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp [REDACTED] Iraq	2. DATE (YYYYMMDD) 2005/11/10	3. TIME 1658	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E4	
8. ORGANIZATION OR ADDRESS Aco 612th EN BN, Camp [REDACTED] Iraq, APO AE [REDACTED]			
9.			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On November 10, 2005 at approximately 1025 hours, we were traveling east on route sword. I was in the 3rd vehicle in the convoy the 2nd RG-31. The [REDACTED] stopped to interrogate a suspected IED. The 1st RG began to stop traffic and move their vehicle toward the median. After traffic was stopped one truck continued to drive. The gunner of the 1st vehicle continued to yell and wave his stop sign at the vehicle. The vehicle stopped and the driver got out and fell to the ground. The 1st RG called out someone had been shot and that they needed medical assistance. They moved their vehicle over to the westbound lane. They had two dismounts go and start giving medical treatment to the wounded local national. The last vehicle in the convoy, the Platoon Sergeant and medics hmv moved up to the site of the casualty. Next we moved our RG to the rear of the cordon and provided rear security. The [REDACTED] then moved to the westbound lane to assist the medic with the casualty and security. The 4th vehicle in the convoy the Platoon leaders hmv moved its vehicle to the westbound lane. Someone on ground went to the passenger side door to help the passenger. They forced it open and got the other local national out of the truck. Someone for the ground crew called out an assessment of the casualties; they said they had two surgically urgent local nationals. They also requested a [REDACTED] sent up. Two dismounts set up a vs 17 panel for the bird to land. The ground crew then called out over the radio that one local national was now KIA. The bird arrived and loaded up the other casualty. We then moved our vehicle into the westbound lane and also the 1st vehicle.

NOTHING FOLLOWS

10. EXHIBIT I	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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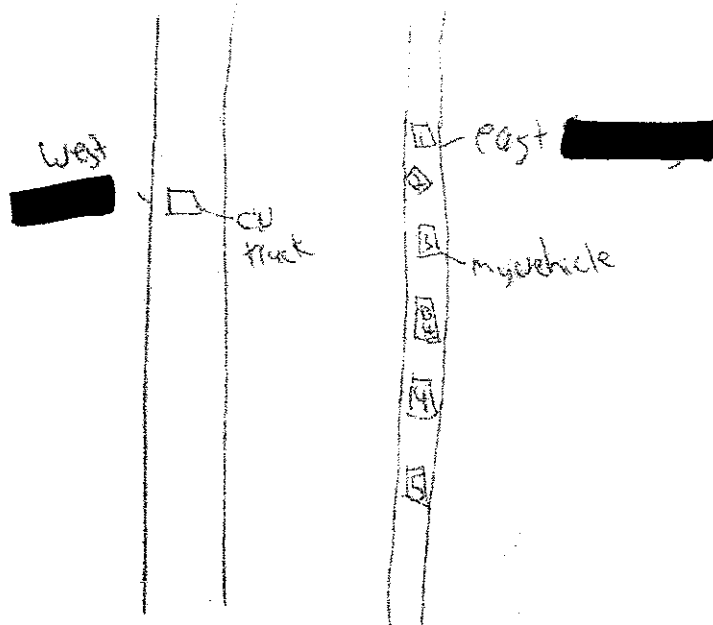
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Camp [REDACTED] DATED 2005/11/10

9. STATEMENT (Continued)



INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED]

TAKEN AT

Camp [REDACTED]

Iraq

DATED 2005/11/10

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED] Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Army Officer

(Authority To Administer Oaths)

A CO 612 EN BN
Camp [REDACTED] IRAQ
ORGANIZATION OR ADDRESS

A Co 612 En Bn
Camp [REDACTED] Iraq 093441
ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

TCS

PAGE 3 OF 3 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp [REDACTED] IRAQ
 2. DATE (YYYYMMDD): 20051102
 3. TIME: 1427
 4. FILE NUMBER:
 5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
 6. SSN: [REDACTED]
 7. GRADE/STATUS: E9
 8. ORGANIZATION OR ADDRESS: Alpha Company 602nd Eng. Bn.
 9.

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 10 November 2005 we were traveling East on [REDACTED]. The [REDACTED] was interrogating an object and I was in the second RG-31 seated on the right side behind the front seat passenger. As we were doing our scans across the vehicle stopped, I heard a popping sound and looked forward. I saw the first RG stopped and looked over and saw a white truck which was traveling but was stopped. I saw the driver open the door and fall onto the ground. At that time, I saw the first RG-31 go over to where the victim was lying. After that I quickly turned my head and started to scan the buildings in our sector. As the rear vehicles pulled forward to assess the situation our vehicle backed up and pulled rear security. During this time there was constant communication on the status of the victims. During this time we learned that one individual was KIA due to a .50 caliber round. A medical helicopter came and took the first victim away for medical treatment. After the helicopter took off, all of the vehicles formed a box around the KIA. Soon after other US soldiers pulled up and toward the [REDACTED] victims took off at the highway and placed [REDACTED] in the box formation for a little while theiller team picked up the body and the which was on a stretcher and placed it on the hood of one of the Humvees. They then drove to body over to the victims truck and placed the body in the bed of the truck. After that we continued our mission.

10. EXHIBIT: J
 11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
 PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Comp [REDACTED] [REDACTED] DATED 12/14/85

9. STATEMENT (Continued)

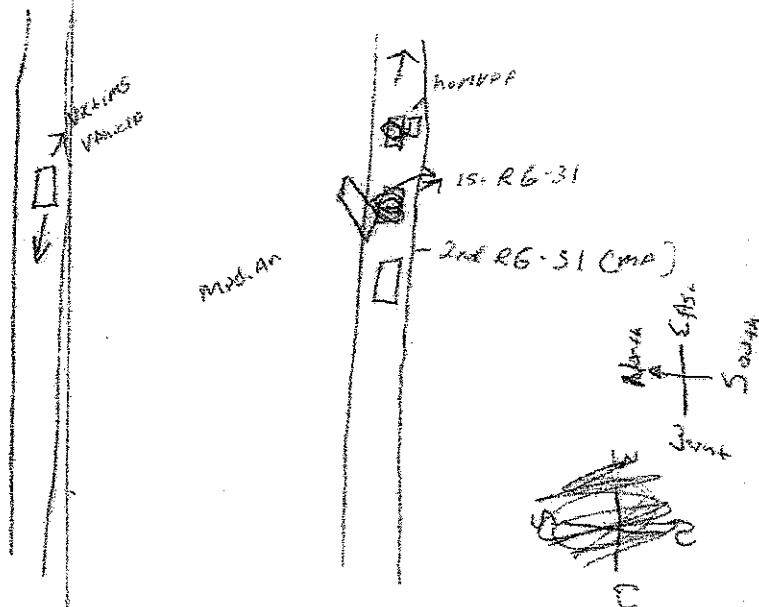
INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED]

TAKEN AT Camp [REDACTED] IRAN DATED 10/24/05

9. STATEMENT (Continued)



AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

A Co 612 EN BN
Camp [REDACTED] IIR

ORGANIZATION OR ADDRESS

A Co 612 EN BN
Camp [REDACTED] IIR

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of November, 2005 at Camp [REDACTED] Iran

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ARMY OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

Sample Privacy Act Statement

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to:

Incident that resulted in LN being shot and killed

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities or negligence, and to assist in making recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION:

The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under the UCMJ, or in the case of civilian employees, appropriate action under applicable employment regulations.

I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above-cited incident.

[REDACTED] 10/11/05
Signature and Date

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSA).
PRINCIPAL PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES:	Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION Aco TOC Camp [REDACTED] ICAO APOF 29344	2. DATE (YYYYMMDD) 2005 11 10	3. TIME 1428	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-6	
8. ORGANIZATION OR ADDRESS Aco 612th EnBn TOC APOF [REDACTED]			

1. SSG [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
While Traveling on Route [REDACTED] AS lead Vehicle we stopped To interigate A possible I.E.D. While I was positioned Facing East in the East Bound lane I heard 1 single shot Fired from an m2. At our 6:00, The shot fired WAS From our 600 vehicle #1. As my vehicle does not Run with a gunner we did not observe the insadent. After Interigation WAS complete A nother Cordon WAS set up And my Lt instructed me to Take up A new position in the cordon but still without visual of the insadent. I was Also instructed to comunicate with that AREAS BCT. And Relay Information Between The BCT And my Lt. I WAS made Aware of 2 civilian Casualties And that I was later Pronounceed KIA And the other lifter urgent. The Lt sent up A 9 Line And A Bird WAS sent. I SAW the Bird land take the Litter urgent Patient And leave. While WAITing on Ground EVALuation we were told ~~to~~ by the BCT

10. EXHIBIT	K	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"			
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.			

STATEMENT OF ~~REDACTED~~

TAKEN AT 1428

DATED 2005 Nov 10

9. STATEMENT (Continued)

To load the KIA into the bed of his truck
and leave them for a local national Ambulance
that was in route, and for us to continue mission
The vehicle was moved away from the route
and into the right side of the west bound lane
after which the KIA was placed in the bed of
the vehicle and we continued mission

INITIALS OF PERSON MAKING STATEMENT ~~REDACTED~~

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

1. SSG [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED] Iraq

ACD 612 EN ON
Camp [REDACTED] 2110
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ACD 612 EN ON
Camp [REDACTED] Iraq
ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
ARMY OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION CAMP [REDACTED], IRAQ	2. DATE (YYYYMMDD) 2005/11/10	3. TIME 1845	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS ES/ACTIVE	
8. ORGANIZATION OR ADDRESS A CO 612 EN BN			

9. I, SGT [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I am a combat medic for Alpha Co 612th Engineer, 1st platoon. I was located in the last vehicle of our convoy during route clearance when the radio transmission came across the net requesting medic help up ahead near the first RG-31. We were traveling East on route [REDACTED] toward SFC [REDACTED] ordered our vehicle forward, we drove ahead, crossed the median onto the West bound lane. We (SPC [REDACTED] driver/Sr. CLS, SPC [REDACTED] PSG/TC, and I) dismounted and checked our 5 & 25s while approaching the Iraqi civilian pick-up truck. The local national male driver was out of his vehicle on the ground with an obvious leg wound he was talking making eye contact with me. The other local national was slumped over and unconscious, he was not breathing for I did not see a rise and fall of his chest. He (the passenger) had a slow, faint pulse. My attention was prioritized on the civilian driver for he was alert and oriented. I cut his blood saturated pant legs to observe the evulsion pouring out copious amounts of blood. I immediately applied a tourniquet at approximately 1025 hrs (noted with Sharpie on his chest) above the site to stop the arterial blood flow. I was speaking with the local national however, he did not understand English, nor do I speak Arabic. He was surprisingly calm and coherent making several attempts to talk on his cell phone. Our Sr. CLS, SPC [REDACTED] was assisting me and gathering Hemcon aids. 2 Hemcons did not adhere to his lateral, left thigh for they became too saturated, eventually 3 hemcons did finally adhere and significantly decreased the bleeding. I then wrapped his leg in Kerlix, when lifting his leg (below the knee) I confirmed a compound fracture of his femur. Below his knee and inner thigh, all muscle and skin was intact; however, from his outer thigh posteriorly and anteriorly all tissue was in disarray. I continued to Kerlix the site pushing the quadriceps and hamstring into place with the hemicons attached. I felt his radial pulse which was palpable and regular. Talking to him no shortness of breath or difficulty breathing, I cut away his shirt to examine for other wounds on his chest/neck area. He had a wound (1 inch in diameter) just tissue deep on his R upper chest which stopped bleeding with manual pressure. He also had a laceration on his neck. After controlling his bleeding I focused my attention on the passenger who now was outside the vehicle and into our [REDACTED]. I began to access the 2nd Iraqi national after requesting that SPC [REDACTED] administer an IV to the driver. I had SPC [REDACTED] (CLS) apply pressure with a Hemcon & an Israeli bandage to his Left lateral abdominal entrance (2 inches in diameter). I then inserted a J-tube and with my pocket mask gave him 2 slow breathes observing a rise and fall of not only his chest cavity but his stomach as well. I repositioned the neck and tried again. I had SPC [REDACTED] get my mass casualty bag out of the truck and location my bag-valve mask. I then removed his J-tube and inserted a combi-tube then, with the Bag-valve mask noted a rise and fall of his chest, inflating his lungs. Gurgling sounds were heard as if the lungs were full of fluid. I then got my morphine when I heard that an ambulance was coming for them and gave the driver a dose of morphine in his right lateral thigh with an auto injector at 1035 hrs. (Noting the time on his chest) after SPC [REDACTED] had an IV in place. SPC [REDACTED] informed me that the driver's leg started to bleed through the Kerlix and I reassessed the site and removed the soiled Kerlix and applied another hemcon to his lateral thigh wound. I wrapped his leg again, this time with 2 Israeli dressings. I then returned to the passenger and had SPC [REDACTED] (CLS) help with the litter straps, as we positioned the patient we notice an exit wound. SPC [REDACTED] applied pressure with an Israeli dressing with no success. I again bagged him and heard even more gurgling sounds. I no longer had a carotid pulse and internal bleeding was evident when his stomach continued to swell. When positioning him on the litter his arm fell lifelessly and his IV (administer by SPC [REDACTED]) fell out. I called his death at 1056 and secured him to the litter. I then went back to the driver and gave a second dose of morphine at 1057. He was talking and alert. He wanted me to answer his cell phone again for he was secured on a litter ready for the bird coming in. The bird landed, we loaded the driver and at approximately 1100 the care flight took off. We had the dead body loaded on our vehicle and drove him to the pick-up truck. We checked for sensitive items and continued mission. I informed the PSG that I did not have enough supplies for another advanced airway casualty.

10. EXHIBIT L	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Camp [REDACTED] Iraq DATED 11-10-05

9. STATEMENT (Continued)

Nothing Follows [REDACTED]

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

STATEMENT OF [REDACTED]

TAKEN AT Camp [REDACTED] Iraq DATED 11-10-05

9. STATEMENT (Continued)

Nothing Follows

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of NOVEMBER 05 at ACQ TOC CAMP [REDACTED] Iraq

[REDACTED]
ACQ 612th BN
Camp [REDACTED] Iraq
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
ACQ 612th BN
Camp P [REDACTED] Iraq
ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

COMMANDER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 3 OF 3 PAGES

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Camp Iraq DATED 2005/11/10

9. STATEMENT (Continued)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED] TAKEN AT Camp [REDACTED] Iraq DATED 2005/11/10

9 STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENTS.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED]
A Co 612th ENB BN
Camp [REDACTED] IRAQ
ORGANIZATION OR ADDRESS
[REDACTED]
A Co 612th ENB BN
Camp [REDACTED] IRAQ
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED] Iraq

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

Amy Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION EAST BOUND ROUTE [REDACTED]
 2. DATE (YYYYMMDD) 20051110
 3. TIME 015200 AM
 4. FILE NUMBER
 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]
 6. SSN [REDACTED]
 7. GRADE/STATUS E-7/AD
 8. ORGANIZATION OR ADDRESS ACO 612TH ENGR BN CAMP [REDACTED] IRAQ APO, AE [REDACTED]

I, SFC [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON NOVEMBER 10, 2005 I AS PLATOON SERGEANT WAS CONDUCTING COMBAT ROUTE CLEARANCE AS [REDACTED] IN AREA OF OPERATION BAGHDAD. MY PLATOON ALPHA COMPANY (1ST PLATOON) WAS TRAVEL EAST BOUND ON ROUTE [REDACTED] AT THE APPROXIMATE GRID ([REDACTED]). I WAS RIDING IN THE LAST VEHICLE OF A SIX VEHICLE CONVOY/PATROL. THE CONVOY WAS AT A HALT WHILE THE [REDACTED] WAS INTERROGATING A SUSPICIOUS ITEM IN THE LEFT MEDIAN OF EAST BOUND ROAD. BEFORE THE [REDACTED] WAS FINISHED I WAS CALLED TO THE HEAD OF THE CONVOY BY THE LEAD RG-31 (SSA [REDACTED]) TO RENDER 1ST AIDE TO A LN IN THE WEST BOUND LANE OF [REDACTED]. MY VEHICLE THEN ACKNOWLEDGED THE RADIO TRANSMISSION. MY VEHICLE BECAME PRIMARY CASEVAC VEHICLE OF THE PATROL AND CARRIED THE MEDIC AND SENIOR COMBAT LIFESAVER. I THEN TOLD MY DRIVER SFC [REDACTED] TO GO AND CROSS OVER TO THE WEST BOUND LANE AND DRIVE TO THE WHITE VEHICLE WHICH NEEDED MEDICAL AIDE. WHEN CROSSING THE MEDIAN AND CONDUCTING SANDZS METER SCANS WITH OUR EYES, I NOTICED A WHITE LN FALL OUT THE DRIVERS DOOR OF THE SMALL WHITE PICKUP. ONCE MY VEHICLE ARRIVED ON SCENE AT THE WHITE PICKUP, SGT [REDACTED] AND SFC [REDACTED] WERE OUT OF THE LEAD RG-31 DOING SANDZS METER SCANS READY TO PERFORM AIDE. ONCE MY VEHICLE STOPPED I ORDERED MY CREW TO DO SANDZS METER SCANS BEFORE DISMOUNTING AND NOTIFIED MY LT. [REDACTED] THAT MY CREW WAS DISMOUNTING TO RENDER FIRST AIDE TO A PATIENT IN THE TRUCK AND ASSESSING THE SITUATION. THE MEDIC STARTED TREATING A SEVERE LEG WOUND AND I BEGAN ASSESSING A PASSENGER WHO WAS IN THE TRUCK. AFTER VERBALLY TRYING TO TALK TO THE PASSENGER I TRIED TO OPEN HIS DOOR. HE WAS NON RESPONSIVE DURING THIS PERIOD. I REACHED INSIDE HIS WINDOW AND TRIED TO GET A PULSE FROM HIS NECK AND WRIST. THERE WAS A VERY WEAK PULSE. I TRIED TO OPEN THE DOOR AND SGT LEE TRIED WITH NO AVAIL. I THEN WENT TO MY VEHICLE GRABBED A JACK HANDLE AND ORDERED SGT [REDACTED] TO BREAK THE BACK WINDOW IN ORDER TO UNLOCK THE DOOR AND GET THE PATIENT/PASSENGER OUT. AFTER BREAKING THE WINDOW THE DOOR WAS STILL UNABLE TO BE OPENED. WE TRIED PRYING THE DOOR OPEN AND I RIPPED THE DOOR HALFWAY OFF, BUT THE PASSENGERS SIZE MADE IT IMPOSSIBLE TO GET HIM OUT. THE [REDACTED] LITTER TEAM ARRIVED ON SCENE AND I ORDERED THEM SFC [REDACTED] AND THE MEDIC SGT [REDACTED] TO DRAG HIM OUT. THEY DRAGGED HIM OUT OF THE TRUCK ON TO THE STRETCHER AND BEGAN RENDERING FIRST AIDE. THE MEDIC SGT [REDACTED] WORKED FIERCELY TO SAVE THE PASSENGERS LIFE BUT PROMISED HIM DEAD AT 1050 AM THE DRIVER WAS STILL BEING ATTENDED TO ALSO BY THE MEDIC AND SFC [REDACTED]. I TOLD THE LT. [REDACTED] FOR A ETA OF A MEDVAC. HE STATED A BIRD OR ANIMAL

10. EXHIBIT

N

PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

SFC [REDACTED]

TAKEN AT

1500

DATED

10 NOV 05

9 STATEMENT (Continued) WAS IN ROUTE [REDACTED] MAKING NECESSARY SECURITY ADJUSTMENT TO THE ESTABLISHED [REDACTED] ([REDACTED]). THE BIRD OR MEDIVAC WAS INBOUND A UF 12 PARAT WAS SET 75 METERS FROM THE CLP FOR AN LZ THE BIRD LANDED AND THE FLIGHT MEDIC WAS BRIEFED BY MYSELF AND THE MEDIC. THE FLIGHT MEDIC ALSO TOLD ME THAT THEY WERE ONLY TAKING THE WOUNDED LN THAT WAS ALIVE. I THEN SUPERVISED THE LATER TEAM AND THE MEDIC ON HOW TO LOAD ON THE BIRD AND WHAT TO DO AFTERWARDS. THE INJURED LN WAS MED EVAC TO THE CASE AND THE [REDACTED] WAS PICKED UP. THE DEAD LN HAD NO ID OR ANYTHING OF VALUE OTHER THAN A CELL PHONE AND WRIST WATCH. (Nokia Cell phone) ([REDACTED]) MYSELF THE PLUCK AND [REDACTED] CREW SAID A PRAYER FOR THE DEAD LN AND CARRIED HIM UP ON A STRETCHER. AFTER A FEW MINUTES WE WERE INSTRUCTED TO PLACE THE LN IN THE BACK OF THE PICKUP TRUCK AND CONTINUE OUR MISSION OF ROUTE CLEARANCE. THE DEAD LN AND THE WHITE PICKUP TRUCK WAS ON THE NORTH MEDIAN OF THE SERVICE ROAD OF WEST BOUND LANE OF RT. [REDACTED].

NOTHING
FOLLOWS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF

SFC [REDACTED]

TAKEN AT

BGO

DATED

10 Nov 05

9. STATEMENT (Continued)

Nothing Follows

AFFIDAVIT

I, SFC [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

AC 612 Eng Bn

APO AE 09344

ORGANIZATION OR ADDRESS

AC 612 Eng Bn

APO AE 09344

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005, at Camp [REDACTED] Iraq.

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ARMY OFFICER

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp [REDACTED] Iraq	2. DATE (YYYYMMDD) 2005/11/10	3. TIME 1425	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS 01/Platoon Leader	
8. ORGANIZATION OR ADDRESS Aco 612th EN BN, Camp [REDACTED] Iraq, APO AE 09344			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 1027HRS on 11NOV05 my platoon was traveling East on RTE [REDACTED] conducting RTE clearance when the [REDACTED] called out that there was a suspicious item in the median. The platoon treated it as a PIED and the [REDACTED] moved towards the median. Next the [REDACTED] called out that the PIED was in a spot where the [REDACTED] was exposed to a break in the median. I was traveling in the M1114 behind the [REDACTED] and backed up to a safe distance from the Buffalo (approx: 100m to the West of the [REDACTED]). The [REDACTED] TC, SGT [REDACTED] called to the second vehicle (SSG [REDACTED] RG-31) that traffic traveling West bound in RTE Sword needed to be stopped. The lead vehicle called roger and traffic began to stop in the West bound lane. The [REDACTED] had the claw in position to interrogate before it called for traffic to stop. Once traffic did stop the [REDACTED] quickly cleared the item, and during the interrogation SSG [REDACTED] called out that someone was hit. I never heard any shots or detonations, and called for clarification. He responded that "someone needs to get up here now!". I dispatched the PSG's M1114 with the medic to move forward (it was behind me) and investigate what happened. My vehicle set up rear security and deployed 2 traffic cones 50m to the west of my position. The PSG then came on the radio and told me that 2 LN's were wounded from gunfire and were being treated, and I would call with a called [REDACTED] (1-87th IN BN) that 2 LN's were wounded by a warning shot and were being treated, and I would call with a SITREP in 2 minutes. I repositioned the 2nd RG-31 (SGT [REDACTED] to take up my position as rear security. I then moved my vehicle forward in the East bound lane, across from where SSG [REDACTED] RG-31, the PSG, and the [REDACTED] were stationary in the West bound lane. My vehicle was stationary when, I called the PSG to ask if he needed further assistance. He responded "yes", and I moved my vehicle to the West bound lane and parked to provide my dismount to the PSG (SPC [REDACTED]). I called to SSG [REDACTED] to determine what happened. He stated that his gunner had fired one round from his .50cal which hit a LN pickup truck. He also stated that the weapon discharge occurred when the RG-31 came to a stop while stopping traffic. I asked him if the LN was stopped and he said 'yes' all vehicles in the West bound lane were stopped. My next act was to call [REDACTED] and tell them that I needed an ambulance for the wounded LN's, and that the incident was an accident not an EOF. [REDACTED] responded that an ambulance was sent through the [REDACTED] to come to my location. At this time [REDACTED] responded with 4 additional M1114's and provide additional security and traffic control to the East of the cordon. Another unit of 2 tanks arrived and assisted with the cordon to the West. I then checked in with the PSG and he stated that both casualties were Urgent Surgical one with wound to the leg and another with a wound to the back, and I called a [REDACTED] up to [REDACTED] at 1045HRS. I called the PSG to take pictures of the wounded and copy down their names, or use any ID they had on them to find out their name. Then I filled out 2 claims cards and told SPC [REDACTED] and SPC [REDACTED] to put one with each casualty. SGT [REDACTED] and I retrieved a VS-17 panel from my truck and put it in the West bound lane West of the [REDACTED] to mark the [REDACTED]. I remounted and moved my vehicle to the East bound lane to oversee the [REDACTED] and the [REDACTED]. The PSG called and informed me that the LN with a wound to his back had DOW. [REDACTED] informed me that Dustoff 4-2 was trying to reach me on [REDACTED], and I had SSG [REDACTED] assume control of communication with [REDACTED] while I called the Dustoff. Dustoff contacted me at 1059 HRS and I informed them that one of the LN's had DOW. The bird landed at 1100HRS and one patient was loaded onto the bird. The Dustoff lifted off at 1103HRS and I told the platoon to reduce the cordon to the West bound lane. At this time I called for guidance from Summit 1-1 about the LN body. They told me that an ambulance was on the way time 1103 HRS. The PSG completed his personnel and sensitive items check and reported that the PLT was green and ready to roll. [REDACTED] then came to the LN vehicle and towed it off of the road to the North service road. At 1130 HRS I called [REDACTED] to ask for further guidance about the LN body since the ambulance had still not shown up on scene. They informed me to continue mission. I told them that the body was still here and I could stay on scene. Again I was told to CM. At that time [REDACTED] called and asked if they were supposed to stay on scene. [REDACTED] told them that they were to CM also. They also called and volunteered to stay on scene and were told again to CM. I had the PSG move the body to the LN pickup that was on the service road with his M1114. We then continued mission and I called [REDACTED] at 1150HRS to report the incident.

10. EXHIBIT 0	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 0 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Camp Iraq DATED 2005/11/10

9. STATEMENT (Continued)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED]

TAKEN AT Camp [REDACTED] Iraq DATED 2005/11/10

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

[REDACTED]
[REDACTED]
A co C12th BN BN
Camp [REDACTED] IRAQ
[REDACTED]
[REDACTED]
A co C12th BN BN
Camp [REDACTED] IRAQ [REDACTED]
ORGANIZATION OR ADDRESS

[REDACTED] Statement)
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED] Iraq

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

Army Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

STATEMENT OF SFC [REDACTED] TAKEN AT 1500 DATED 10 NOV 05

9. STATEMENT (Continued) WAS IN ROUTE [REDACTED] MAKING NECESSARY SECURITY ADJUSTMENT TO THE ESTABLISHED [REDACTED] ([REDACTED]). THE BIRD OR MEDIC WAS INBOUND A VF 12 PAR 1 WAS SET 75 METERS FROM THE [REDACTED] FOR AN LZ THE BIRD LANDED AND THE FLIGHT MEDIC WAS BRIEFED BY MYSELF AND THE MEDIC. THE FLIGHT MEDIC ALSO TOLD ME THAT THEY WERE ONLY TAKING THE WOUNDED LN THAT WAS ALIVE. I THEN SUPERVISED THE LATER TEAM AND THE MEDIC ON HOW TO LOAD ON THE BIRD AND WHAT TO DO AFTERWARDS. THE INJURED LN WAS MOVED AWAY TO THE CASH AND THE [REDACTED] WAS PICKED UP. THE DEAD LN HAD NO ID OR ANYTHING OF VALUE OTHER THAN A CELL PHONE AND WRIST WATCH. (Nokia) (cell phone) ([REDACTED]). MYSELF THE MEDIC AND [REDACTED] SAID A PRAYER FOR THE DEAD LN AND COVERED HIM UP ON A STRETCHER. AFTER A FEW MINUTES WE WERE INSTRUCTED TO PLACE THE LN IN THE BACK OF THE PICKUP TRUCK AND CONTINUE OUR MISSION OF ROUTE CLEARANCE. THE DEAD LN AND THE WHITE PICKUP TRUCK WAS ON THE NORTH MEDIAN OF THE SERVICE ROAD OF WEST BOUND LANE OF RT. [REDACTED]

NOTHING
FOLLOWS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF SFC [REDACTED] TAKEN AT 1500 DATED 10 Nov 05

9. STATEMENT (Continued)

Nothing Follows

AFFIDAVIT

I, SFC [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

A Co 612 Eng Bn
APD AG 09344
ORGANIZATION OR ADDRESS

A Co 612 Eng Bn
APD AG 09344
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED] Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ARMY OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp [REDACTED] Iraq	2. DATE (YYYYMMDD) 2005/11/10	3. TIME 1425	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS 01/Platoon Leader	
8. ORGANIZATION OR ADDRESS Aco 612th EN BN, Camp [REDACTED] Iraq, APO AE [REDACTED]			

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 1027HRS on 11NOV05 my platoon was traveling East on RTE [REDACTED] conducting RTE clearance when the [REDACTED] called out that there was a suspicious item in the median. The platoon treated it as a PIED and the [REDACTED] moved towards the median. Next the [REDACTED] called out that the PIED was in a spot where the [REDACTED] was exposed to a break in the median. I was traveling in the M1114 behind the [REDACTED] and backed up to a safe distance from the [REDACTED] (approx: 100m to the West of the [REDACTED]). The [REDACTED] TC, SGT [REDACTED], called to the second vehicle (SSG [REDACTED] RG-31) that traffic traveling West bound in RTE [REDACTED] needed to be stopped. The lead vehicle called roger and traffic began to stop in the West bound lane. The [REDACTED] had the claw in position to interrogate before it called for traffic to stop. Once traffic did stop the [REDACTED] quickly cleared the item, and during the interrogation SSG [REDACTED] called out that someone was hit. I never heard any shots or detonations, and called for clarification. He responded that "someone needs to get up here now!". I dispatched the PSG's M1114 with the medic to move forward (it was behind me) and investigate what happened. My vehicle set up rear security and deployed 2 traffic cones 50m to the west of my position. The PSG then came on the radio and told me that 2 LN's were wounded from gunfire and he was setting up a CCP. I called [REDACTED] (1-87th IN BN) that 2 LN's were wounded by a warning shot and were being treated, and I would call with a SITREP in 2 minutes. I repositioned the 2nd RG-31 (SGT [REDACTED]) to take up my position as rear security. I then moved my vehicle forward in the East bound lane, across from where SSG [REDACTED]'s RG-31, the PSG, and the [REDACTED] were stationary in the West bound lane. My vehicle was stationary when I called the PSG to ask if he needed further assistance. He responded "yes", and I moved my vehicle to the West bound lane and parked to provide my dismount to the PSG (SPC [REDACTED]). I called to SSG [REDACTED] to determine what happened. He stated that his gunner had fired one round from his .50cal which hit a LN pickup truck. He also stated that the weapon discharge occurred when the RG-31 came to a stop while stopping traffic. I asked him if the LN was stopped and he said 'yes' all vehicles in the West bound lane were stopped. My next act was to call [REDACTED] and tell them that I needed an ambulance for the wounded LN's, and that the incident was an accident not an EOF. [REDACTED] responded that an ambulance was sent through the [REDACTED] to come to my location. At this time [REDACTED] responded with 4 additional M1114's and provide additional security and traffic control to the East of the cordon. Another unit of 2 tanks arrived and assisted with the cordon to the West. I then checked in with the PSG and he stated that both casualties were Urgent Surgical one with wound to the leg and another with a wound to the back, and I called a [REDACTED] up to [REDACTED] at 1045HRS. I called the PSG to take pictures of the wounded and copy down their names, or use any ID they had on them to find out their name. Then I filled out 2 claims cards and told SPC [REDACTED] and SPC [REDACTED] to put one with each casualty. SGT Lee and I retrieved a VS-17 panel from my truck and put it in the West bound lane West of the [REDACTED] to mark the [REDACTED]. I remounted and moved my vehicle to the East bound lane to oversee the [REDACTED] and the [REDACTED]. The PSG called and informed me that the LN with a wound to his back had DOW. [REDACTED] informed me that [REDACTED] was trying to reach me on [REDACTED], and I had SSG [REDACTED] assume control of communication with [REDACTED] while I called the Dustoff. Dustoff contacted me at 1059 HRS and I informed them that one of the LN's had DOW. The bird landed at 1100HRS and one patient was loaded onto the bird. The Dustoff lifted off at 1103HRS and I told the platoon to reduce the cordon to the West bound lane. At this time I called for guidance from [REDACTED] about the LN body. They told me that an ambulance was on the way; time 1103 HRS. The PSG completed his personnel and sensitive items check and reported that the PLT was green and ready to roll. [REDACTED] then came to the LN vehicle and towed it off of the road to the North service road. At 1130 HRS I called [REDACTED] to ask for further guidance about the LN body since the ambulance had still not shown up on scene. They informed me to continue mission. I told them that the body was still here and I could stay on scene. Again I was told to CM. At that time [REDACTED] called and asked if they were supposed to stay on scene. [REDACTED] told them that they were to CM also. They also called and volunteered to stay on scene and were told again to CM. I had the PSG move the body to the LN pickup that was on the service road with his M1114. We then continued mission and I called [REDACTED] at 1150HRS to report the incident.

10. EXHIBIT 0	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 0 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Camp [REDACTED] Iraq DATED 2005/11/10

9. STATEMENT (Continued)

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED]

TAKEN AT

Camp [REDACTED]

Iraq

DATED

2005/11/10

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED] Iraq

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

C. OWLANDER
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS
A 606/215 En Bn
Camp [REDACTED] Iraq 09344

ORGANIZATION OR ADDRESS
A 606/215 En Bn
Camp [REDACTED] Iraq 09344

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Camp [REDACTED] Baghdad, Iraq	DATE 15 NOV 05	TIME 1034	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS O-2	
ORGANIZATION OR ADDRESS HHC, 1-87 IN, Camp [REDACTED], Iraq			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 10 NOV 05, at approximately 1024 hours, [REDACTED] called [REDACTED] (1-87 TOC) via FM comms to report an escalation of force incident, that would later be reported as a negligent discharge in a follow-up report from [REDACTED]. This initial report stated that the element was conducting a possible IED and a vehicle (civilian) attempted to enter their cordon. Approximately 5-10 minutes later, [REDACTED] had a follow-up report that it wasn't an EOF incident, but a negligent discharge of an M2 50cal MG due to the abrupt stop of a HMMCV and the gunner holding onto the weapon system. As a result of the ND, 2x local nationals were wounded. The nature of the wounds were a leg wound and an abdominal wound. The 1-87 TOC immediately requested civilian ambulance support from 1/10 MTN. [REDACTED] followed-up that the local nationals were urgent and requested air medevac. 1-87 TOC requested an air medevac through the 50th MED Co (Eagle Dustoff) for 2x litter urgent casualties. When the air medevac arrived, 1x civilian had died of his wounds and was left at the site while the other LN was evacuated. After the medevac departed SHIC 1 again stated there was 1x LN KIA (DOO) and a disabled vehicle and no IP on scene. I again requested [REDACTED] support through 1/10 MTN. However, we (1-87) contacted the 126th MP Co TOC to try to expedite IP arriving to the scene because they had [REDACTED] who was at the [REDACTED] IP station. [REDACTED] had been on site approx 45 minutes waiting for IP to recover

EXHIBIT P	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."</p> <p>THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES."</p> <p>WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</p>		

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

RCAS V1.0

STATEMENT (Continued) the dead body and disabled vehicle. I made the decision to allow [REDACTED] to continue mission knowing that IP had been notified of the situation, along with the 126th MP's assisting in getting IP to a site that was becoming a larger target for AIF to engage coalition forces, specifically the [REDACTED]. This decision was also made because there was no further aid that CFS would be able to render. I made the decision to overwatch the site using our attached mechanized team that would ensure the vehicle was removed. At approximately 1200 [REDACTED] continued mission along with 1-873 [REDACTED]. Approximately 20 to 30 minutes later the 126th MP's called to confirm the IP had arrived and found the dead LN in the back of the vehicle. They (the PIP's) stated the dead LN was not in a body bag and laid in the back of the disabled civilian truck. The 126th TOC then stated that the IP were removing the vehicle and contacting Iraqi military affairs. [REDACTED] (SFC [REDACTED]) confirmed the vehicle and body were removed as he was still overwatching the scene. Nothing follows.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED]

HHC 1-87
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15th day of NOV 2005
at Camp [REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 2 PAGES

RCAS V1.0

*** SAFETY NOTICE ***

The safety procedure shown in the pictures below will be SOP for .50 cal gunners. The setup shown will act as a safety device and will prevent the M2 from firing accidentally. To remove the safety, simply pull the round out. NCO's will add this to their PCI list and inspect it prior to mission departure.

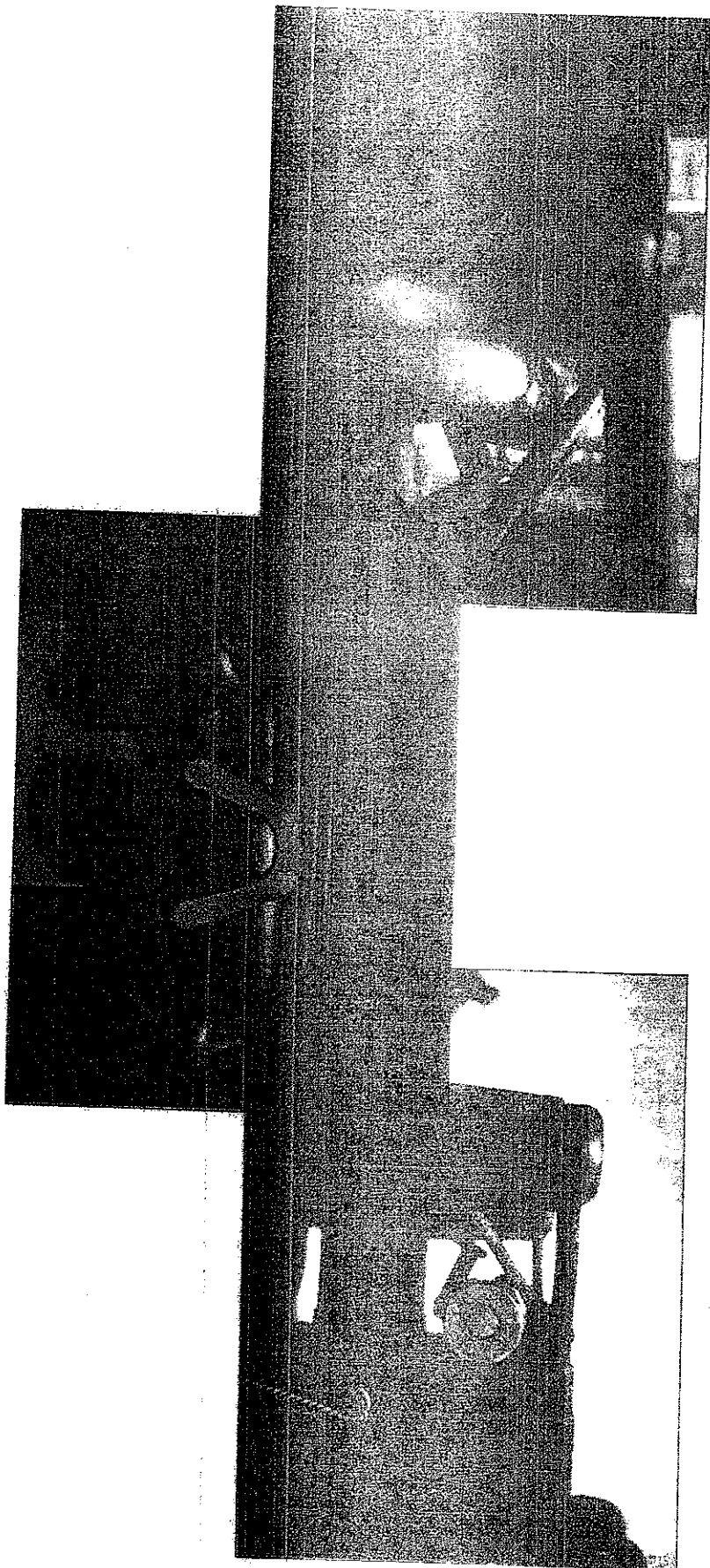


Exhibit 8 S



DEPARTMENT OF THE ARMY
HEADQUARTERS, 36TH ENGINEER COMBAT GROUP (MEB)
CAMP [REDACTED], BAGHDAD, IRAQ
APO AE 09344

REPLY TO
ATTENTION OF
AFVK CO

10 November 2005

MEMORANDUM FOR MAJ [REDACTED] NHC, 812TH Engineer Battalion, Camp [REDACTED] Iraq, APO AE

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed as Investigating Officer pursuant to AR 15-6 and AR 600-8-1 paragraph 40-8 to investigate the circumstances surrounding the incident on 10 November 2005 involving the negligent discharge of an M2 .50 CAL on a Seahorse Ironclaw mission resulting in one killed and one wounded Local National. You will specifically investigate and document the following and take sworn statements from anyone who witnessed the incident.
 - a. If an M2 .50 CAL accidentally discharged on 10 November?
 - b. Did an accidental discharge result in the death of a Local National?
 - c. Did an accidental discharge result in a second Local National being wounded?
 - d. If there were any negligence involved in the incident?
 - e. If the incident could have been avoided?
 - f. Who was accountable for the weapon that discharged?
 - g. Where did the incident occur?
 - h. What caused the weapon to discharge?
 - i. If weapon malfunction/mechanical faults contributed to the incident?
 - j. Who (unit) was ground owning commander? What reports were sent? What instructions received?
 - k. What actions occurred to provide medical aid to Local National casualties?
 - l. What was the company's policy/guidance on placement of ammo in weapon feed tray during Ironclaw missions?
 - m. Did servicemember receive a safety/convoy briefing prior to departing on the mission?
 - n. Speed of the vehicle at the time of the incident; and, if speeding contributed to the incident?
 - o. Was servicemember formally counseled after incident?
 - p. Make recommendation on precautions that may prevent further incidents of this nature.
2. Prior to the beginning of your investigation, you will consult CPT [REDACTED] for a legal brief. In your investigation, use informal procedures under AR 15-6. You will make recommendations as to whether there is any evidence to support the allegations. If in the course of your investigation, you come to suspect others, you must advise them of their rights under UCMJ, Article 31, or the Fifth Amendment, as appropriate. Additionally, you must provide them a Privacy Act Statement before you solicit any information.
3. Submit your findings and recommendations in memo format to Commander, 36TH Engineer Combat Group NLT COB on 13 November 2005.

[REDACTED]
COL, EN
Commanding

Exhibit RT

CIR

LINE 1: Unit reporting: A/612th EN BN ([REDACTED])

LINE 2: Incident: Local National WIA/KIA

LINE 3: Date/time group (DTG) incident occurred: 101027NOV05

LINE 4: Location of incident: [REDACTED]

LINE 5: Personnel Involved: [REDACTED]

LINE 6: At 1027 [REDACTED] ([REDACTED]) had an accidental discharge of a .50cal machine gun at [REDACTED]. The [REDACTED] was interrogating a PIED in the median where there was a large break in the median. The crew in the [REDACTED] called for traffic to be stopped while it was exposed to the break in the median. The lead RG-31 ahead of the [REDACTED] approximately 150m, moved towards the median to stop traffic. [REDACTED] was traveling East on RTE [REDACTED] attempting to stop traffic in the West bound lane. All the traffic came to a stop approximately 125m from the [REDACTED]. The lead RG-31 came to an abrupt stop in the median and the gunner was flung forward hitting the butterfly trigger with the magazine of his M16 (which he was holding pointing skyward). The weapon discharged a single round and hit an LN pickup truck in the door wounding two LN's. The driver was wounded in the left shoulder and left thigh, passenger was wounded in the left arm and back. The medic and PSG set up a [REDACTED] and treated the casualties. [REDACTED] was called to request an ambulance. The medic upgraded wounded LNs status to Urgent Surgical and a [REDACTED] was sent at 1043HRS. DUSTOFF had wheels down at 1100HRS and wheels up at 1103HRS. The LN wounded in the back was DOW at 1056HRS and was not evacuated on the DUSTOFF (the DUSTOFF crew would not take the dead LN). [REDACTED] was instructed by [REDACTED] to continue mission. The DOW LN was still on site and [REDACTED] was called again by [REDACTED] and [REDACTED] to verify the order to continue mission. Again they said to continue with the mission and both units secured the LN body in the back of the pickup, which was towed to the North service road shoulder or RTE [REDACTED] then continued with mission.

A 15-6 Investigation has been initiated by the command.

LINE 7: One LN wounded and one LN DOW.

LINE 8: Commander reporting: LTC [REDACTED] BN CDR, 612th En Bn (C)(M)

Exhibit Q

